(48)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6036 of 2007

PETITIONER		Raghuveer Singh Thakur, aged about 45 years s/o Shri G.S.Thakur, R/o Q.No.17, A Radhaswami Nagar, Raipur(CG)
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through the Secretary Home Department, D.K.S. Bhawan, Raipur(C.G.)
	2	The Director General of Police Government of C.G. Police Head Quarter, Raipur(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Prateek Sharma, Counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(10.10.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Sub-Inspector, has been transferred from Economic Offences Wing, Raipur to Bastar Range by order dated 9th March, 2006.

Learned counsel for the petitioner submits that after passing of the order of transfer, the Inspector General of Police of Economic Offences Investigation Bureau, Raipur has recommended for cancellation of the transfer order of petitioner vide his memo dated 16.3.2006 with an endorsement to the Home Minister of the State. Again on 14.12.2006, another recommendation was made by the same authority for cancellation of the order of the petitioner(Annexure P-5), but no action was taken on these 2 recommendations and by another order dated 31.5.2007 (Annexure P -6), the petitioner has been relieved from his present place of posting for joining to the transferred place. He submits that not taking any

action on such recommendations does not appear to be fair on the part of the Government. When such high authority has recommended for cancellation of the transfer order of the petitioner, it should have been considered by the Government.

Needless to say that these are not the grounds for interfering with the order of transfer, passed by the competent authority.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

Learned counsel for the petitioner could not point any ground of malafides, extraneous considerations or violation of the provisions of any statutory Rules or the Act. Moreover, the transfer order was passed as back as on 9th March 2006 and the petitioner is challenging it by filing this petition on 27.9.2007.

I am not inclined to admit this petition for further hearing. The petition is dismissed.

However, the petitioner shall be at liberty to file a representation before the concerned authority, raising the grounds regarding previous recommendations as also any other ground available to him, which shall be considered by the said authority in accordance with law at the earliest.

Sd/-
Sunil Kumar Sinha
Judge

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